

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

BEST MEDICAL INTERNATIONAL, INC. Plaintiff, vs. ACCURAY INCORPORATED, a corporation; Defendant.	Case No. 2:10-CV-1043 (TFM)
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**DEFENDANT ACCURAY INCORPORATED’S MOTION FOR
LEAVE TO FILE EXHIBIT UNDER SEAL**

Defendant Accuray Incorporated (“Accuray”) respectfully moves the Court for leave to file an exhibit under seal. In support of its motion, Accuray states the following:

1. Accuray intends to file a Motion to Strike and Preclude BMI’s Infringement Contentions Under the Doctrine of Equivalents (the “Motion to Preclude”) for failing to comply with this Court’s Orders and LPR 3.2.
2. Accuray’s forthcoming Exhibit 1 to the Motion to Preclude contains or refers to material designated as “HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY AND HIGHLY CONFIDENTIAL SOURCE CODE” pursuant to this Court’s June 1, 2011 Stipulated Protective Order (Doc. No. 61).
3. Accuray seeks to prevent the unnecessary and potentially harmful disclosure of this highly confidential information by filing the supporting Exhibit 1 under seal.
4. Accuray also requests that the Court permit Accuray to forego filing a redacted version of Exhibit 1. Exhibit 1 is an 86 page infringement chart. Nearly every page of the chart includes verbatim quotations from Accuray’s documents which were produced under the designation “HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY AND HIGHLY CONFIDENTIAL SOURCE CODE.” As such, redaction would be impracticable.

WHEREFORE, Accuray respectfully requests that the Court enter an Order granting Accuray leave to file under seal the Exhibit 1 in support of its Motion to Strike and Preclude BMI's Infringement Contentions Under the Doctrine of Equivalents. A proposed Order is attached.

This 15th day of March 15, 2013.

By: /s/ Kirsten R. Rydstrom

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2013, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Western District of Pennsylvania, using the electronic case filing system of the court. The electronic case filing system will send notification of such filing to all counsel of record. Counsel may access such document using the Court's system.

/s/ Kirsten R. Rydstrom
*Attorneys for Defendant Accuray
Incorporated*

Dated: March 15, 2013